

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DENNIS MARTINEZ, DOUGLAS  
NGUYEN, JAMES HALLENBECK, JILL  
WILDBERGER, and DISABILITY RIGHTS  
NEW YORK,

CASE NO: 1:20-CV-03338 (VEC)

**AFFIRMATION**

Plaintiffs,

-against-

ANDREW M. CUOMO, in his official  
capacity as Governor of New York State

Defendant.

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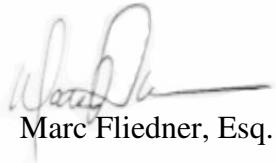
Marc Fliedner, Esq., an attorney admitted to practice in New York State and before this Court, hereby affirms under penalty of perjury:

1. I am co-counsel for Plaintiffs and as such have been working in pursuit of an in-frame American Sign Language (“ASL”) interpreter during Governor Cuomo’s televised briefings since March 2020.
2. Plaintiffs attach the following documents in support of their Reply Memorandum of Law in Support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction:

- Declaration of Dennis Martinez
- Declaration of Douglas Nguyen
- Declaration of James Hallenbeck
- Declaration of Jill Wildberger

3. I declare that, to the best of my knowledge and belief, the information herein is true,  
correct, and complete

Dated: May 7 2020



Marc Fliedner, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DENNIS MARTINEZ, DOUGLAS  
NGUYEN, JAMES HALLENBECK, JILL  
WILDBERGER, and DISABILITY RIGHTS  
NEW YORK,

CASE NO: 1:20-CV-03338

Plaintiffs,

**DECLARATION OF  
DENNIS MARTINEZ**

-against-

ANDREW M. CUOMO, in his official  
capacity as Governor of New York State

Defendant.

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I, Dennis Martinez, Plaintiff, do hereby declare:

1. I am a deaf person.
2. I was born in the United States but was raised primarily in Colombia.
3. Spanish and Colombian sign language were my first languages.
4. ASL is now my primary and preferred language.
5. I work as a Deaf Service Advocate at the Harlem Independent Living Center.
6. In my job, a number of my clients are deaf and solely use ASL to communicate.
7. My clients rely on me as a source of timely and up-to-date information regarding the COVID-19 pandemic.
8. I cannot consistently access Governor Cuomo's briefings through any of the means currently available.
9. I could access Governor Cuomo's briefings if televised in-frame ASL interpretation were provided as a reasonable accommodation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 6, 2020

Dennis Martinez  
Dennis Martinez

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DENNIS MARTINEZ, DOUGLAS  
NGUYEN, JAMES HALLENBECK, JILL  
WILDBERGER, and DISABILITY RIGHTS  
NEW YORK,

Plaintiffs,

CASE NO: 1:20-CV-03338

**DECLARATION OF  
DOUGLAS NGUYEN**

-against-

ANDREW M. CUOMO, in his official  
capacity as Governor of New York State

Defendant.

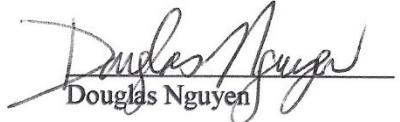
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I, Douglas Nguyen, Plaintiff, do hereby declare:

1. I am deaf.
2. I was born in Vietnam and learned American Sign Language (“ASL”) as a teenager.
3. ASL is my only means of communication.
4. I cannot read or write in English.
5. I cannot read closed captioning, transcripts, PowerPoints, or any other written account of Governor Cuomo’s press briefings.
6. I do not use any type of internet capable device.
7. I cannot access Governor Cuomo’s briefings through any of the means currently available.
8. I could access Governor Cuomo’s briefings if televised ASL interpretation were provided as a reasonable accommodation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 6, 2020



Douglas Nguyen

A handwritten signature in black ink, appearing to read "Douglas Nguyen". Below the signature, the name "Douglas Nguyen" is printed in a smaller, sans-serif font.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DENNIS MARTINEZ, DOUGLAS  
NGUYEN, JAMES HALLENBECK, JILL  
WILDBERGER, and DISABILITY RIGHTS  
NEW YORK,

Plaintiffs,

CASE NO: 1:20-CV-03338

**DECLARATION OF  
JAMES HALLENBECK**

-against-

ANDREW M. CUOMO, in his official  
capacity as Governor of New York State

Defendant.

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I, James Hallenbeck, Plaintiff, do hereby declare:

1. I am deaf.
2. My primary language is ASL.
3. I am able to understand some written English but am not fluent.
4. I cannot read closed captioning, transcripts, PowerPoints, or any other written account of Governor Cuomo's press briefings.
5. I have internet access in my home solely for use through a webcam that I use only with my videophone.
6. I do not own any internet capable devices besides my videophone.
7. I cannot access websites through my videophone.
8. I cannot access Governor Cuomo's briefings through any of the means currently available.
9. I could access Governor Cuomo's briefings if televised in-frame ASL interpretation were provided as a reasonable accommodation.

10. I have cerebral palsy. This medical condition may put me at a higher risk of serious infection if I contract COVID-19.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 6, 2020

/s/ James Hallenbeck  
James Hallenbeck

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DENNIS MARTINEZ, DOUGLAS  
NGUYEN, JAMES HALLENBECK, JILL  
WILDBERGER, and DISABILITY RIGHTS  
NEW YORK,

CASE NO: 1:20-CV-03338

**ATTORNEY AFFIRMATION**

Plaintiffs,

-against-

ANDREW M. CUOMO, in his official  
capacity as Governor of New York State

Defendant.

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Affirmation of Matthew Steele

I, Matthew Steele, depose and state that:

1. I am an attorney licensed to practice law in the State of New York.
2. I assisted in the preparation of the declaration of Plaintiff James Hallenbeck.
3. I read the contents of Mr. Hallenbeck's declaration to him on May 6, 2020 and confirmed that the contents thereof are true and accurate.
4. Due to operational challenges posed by the coronavirus pandemic, I am unable to obtain the original signature of Mr. Hallenbeck by the Court's deadline of May 8, 2020.
5. Mr. Hallenbeck has authorized the submission of his declaration with an electronic signature.

Respectfully submitted,

DISABILITY RIGHTS NEW YORK

By: Matthew Steele

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DENNIS MARTINEZ, DOUGLAS  
NGUYEN, JAMES HALLENBECK, JILL  
WILDBERGER, and DISABILITY RIGHTS  
NEW YORK,

Plaintiffs,

CASE NO: 1:20-CV-03338

**DECLARATION OF  
JILL WILDBERGER**

-against-

ANDREW M. CUOMO, in his official  
capacity as Governor of New York State

Defendant.

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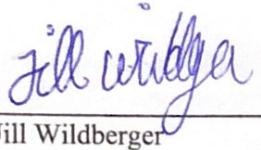
I, Jill Wildberger, Plaintiff, do hereby declare:

1. I am deaf.
2. ASL is my preferred and primary language.
3. I have a learning disability that makes it difficult for me to read and write English.
4. I cannot read closed captioning, transcripts, PowerPoints, or any other written account of Governor Cuomo's press briefings due to my learning disability and difficulty reading and writing in English.
5. I do have access to the internet, and own internet capable devices such as a smartphone.
6. Because of my learning disability I do not know how to access Governor Cuomo's press briefings online.
7. I have tried to access Governor Cuomo's press briefings online but could not understand how to do so effectively.
8. I cannot access Governor Cuomo's briefings through any of the means currently available.

9. I could access Governor Cuomo's briefings if televised in-frame ASL interpretation were provided as a reasonable accommodation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 6, 2020

  
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Jill Wildberger